

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA,

CASE NO.22-20104-CR-MARTINEZ

v.

ANTONIO INTRIAGO,

Defendant.

**RENEWED MOTION FOR RETURN OF DEFENDANT ANTONIO INTRIAGO'S
DISCOVERY DOCUMENTS OR ISSUANCE OF ORDER TO SHOW CAUSE**

COMES NOW, Defendant, ANTONIO INTRIAGO, by and through undersigned counsel, hereby files this Renewed Motion for Return of Defendant, Antonio Intriago's Discovery Documents back to him and/or Issuance Order to Show Cause and in support thereof states as follows:

1. The Defendant, Antonio Intriago, was divested of all his legal papers, personal notes, and correspondence from undersigned counsel by B.O.P. officers.
2. Undersigned filed an Urgent Motion for B.O.P. to Return all of those documents which this Court entered an Order on December 17, 2024, compelling B.O.P. to deliver the paperwork to undersigned counsel by no later than Friday, December 20, 2024.
3. Not surprisingly, B.O.P. did not deliver any papers or advise that papers could be retrieved.
4. Instead, B.O.P., through its in-house Liaison, Webb Aubrey, sent the attached email acknowledging that Mr. Intriago had in his possession "a large accordion-like folder" which was confirmed by R&D Officer Garcia.

5. Attorney Webb then “follows” the trajectory of the papers until they sort of vanish and we are asked the name of the last officer who may have had the paper.
6. Defendant, Intriago, does know the name of the all the officers he dealt with and most B.O.P. are not inclined to provide their names. However, one of these officers took his hundreds of papers of discovery and now it cannot be located, and the burden is cast on us to “remember the name” of the officer who kept the paperwork.
7. The legal liaison says she is trying to “determine where in the process his legal papers are taken and never given back.” How about they were taken when he got to FDC Miami and never returned. Those papers that Mr. Intriago had and B.O.P. lost represents hundreds of hours of work product by undersigned counsel which were digested from thousands of pages of discovery.
8. To say that these actions by B.O.P. are “frustrating” is an understatement. To say that B.O.P.’s complete lack of interest in locating those documents is angering and a pointless waste of everybody’s time and energies and to see B.O.P. thumb its nose at this Court’s Order is not at all surprising.
9. If undersigned counsel is forced to reconstruct everything that has thus far been given to the Defendant, it will take weeks if not months and will delay the breakneck pace of the remaining discovery to be provided to Mr. Intriago.
10. This does not even include the dozens of confidential letters written to Mr. Intriago by undersigned counsel.

WHEREFORE, Defendant, ANTONIO INTRIAGO, respectfully requests this Honorable Court grant this Renewed Motion for Return of Defendant, Antonio Intriago’s

Discovery Documents, Order B.O.P. to show cause, and whatever other relief it deems just and reasonable.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I electronically filed the foregoing document, with the Clerk of the Court using CM/EFC which sent e-mail notification of such filing to all CM/EFC participants in this case on this 2nd day of January 2025.



/s/ Emmanuel Perez

Emmanuel Perez, Esquire

Fla. Bar No. 586552

Emmanuel Perez & Associates, P.A.

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Re: Missing Documents

From Emmanuel Perez <Perez@lawperez.com>
Date Fri 12/20/2024 3:25 PM
To Webb Aubrey <awebb2@bop.gov>
Cc Flores Hector <hectorflores@barzeeflores.com>

I appreciate your efforts. It's very difficult for an inmate to know and remember these stages and the names of the officers who are giving and returning the papers. It will have to wait until Monday when we are able to speak with him. Have a nice weekend.

E. Perez

On Dec 20, 2024, at 2:33 PM, Webb, Aubrey (BOP) <awebb2@bop.gov> wrote:

Good afternoon,

My understanding is that, on November 18, 2024, Mr. Intriago was admitted to FDC through R&D, and he had possession of all his legal papers in a large accordion-like folder, which R&D officer Garcia confirmed. He then went to SHU with all of his legal documents. Officer Phillips, the SHU property officer, took his legal documents upon him checking into SHU for holding, until he went to Court.

For the times he went to court, he was given his legal papers back upon leaving SHU and going to R&D to be picked up by the Marshals. The Marshals picked him up and took possession of his legal documents while they escorted him to Court. Once in Court, the Marshals returned his legal papers. When Court was finished, the Marshals took his papers again and took him back to R&D at FDC, and then his legal papers were returned to him at R&D, and he took them back to SHU. SHU then impounded them until he goes back to Court.

I'm trying to determine where in the above process his legal papers are taken and never given back. Where and by whom? Who was the last person/department to have his documents before he went back to Broward? Was it SHU?

Is Mr. Intriago saying when Officer Phillips took all of his papers initially upon admittance to the SHU, from that point on, he never got them all back for court, period? Or that he would get some papers back for Court, but not all of them?

In the motion it says BOP agents were looking through his legal papers. Are these the same ones who confiscated his papers or no? And where did this occur --R&D, SHU or with the Marshals?

Please do not hesitate to contact me or let me know when is a good time to call.

V/r,

Aubrey Webb
Department of Justice
Federal Bureau of Prisons
Attorney
Miami Federal Detention Center
305-982-1206

From: Goldbarg, Andrea (USAFLS) <AGoldbarg@usa.doj.gov>
Sent: Friday, December 20, 2024 1:59 PM
To: Hector Flores <hectorflores@barzeeflores.com>; Emmanuel Perez <Perez@lawperez.com>; Webb, Aubrey (BOP) <awebb2@bop.gov>
Cc: Castro, Monica (USAFLS) 1 <MCastro1@usa.doj.gov>; Russo, Frank (NSD) <Frank.Russo2@usdoj.gov>; Briggs, Andrew (NSD) <Andrew.Briggs2@usdoj.gov>
Subject: RE: Missing Documents

Hector/Manny –

I want to put you in touch with Aubrey Webb at BOP. He's one of the attorneys working on the Judge's Order. He has more questions, so we figure it would be best to put you directly in communication.

Thank you.

From: Hector Flores <hectorflores@barzeeflores.com>
Sent: Friday, December 20, 2024 4:24 AM
To: Emmanuel Perez <Perez@lawperez.com>
Cc: Goldbarg, Andrea (USAFLS) <AGoldbarg@usa.doj.gov>; Castro, Monica (USAFLS) 1 <MCastro1@usa.doj.gov>; Russo, Frank (NSD) <Frank.Russo2@usdoj.gov>; Briggs, Andrew (NSD) <Andrew.Briggs2@usdoj.gov>; Goldbarg, Andrea (USAFLS) <AGoldbarg@usa.doj.gov>; Castro, Monica (USAFLS) 1 <MCastro1@usa.doj.gov>; Russo, Frank (NSD) <Frank.Russo2@usdoj.gov>; Briggs, Andrew (NSD) <Andrew.Briggs2@usdoj.gov>
Subject: [EXTERNAL] Re: Missing Documents

Hi Andrea & Manny,

1. FDC Correctional Officer R. Garcia (white male) will say that the documents were not returned to Intriago upon departure from FDC to Broward County.

2. Yes. He arrived at SHU with his papers.

3. Yes. White Female named Phillips took legal papers when Intriago arrived at SHU.

4. Yes. He was told he could not have his documents in SHU.

5. When transported to Court, Marshals would carry files and deliver to Intriago in Court. Departing Court, Marshals would again take the documents away and carry to FDC.

Hector L. Flores

On Dec 17, 2024, at 10:13 AM, Emmanuel Perez <Perez@lawperez.com> wrote:

Andrea;

Thank you for your attention to this matter. Hector is set to see him in the next few days and if he calls me from Broward I will promptly ask him all those questions. You should here back from me by thursday or friday of this week

Thanks again

Manny

Emmanuel Perez

perez@lawperez.com

<*Outlook-cid211_ima.gif*>

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Thank you.

From: Goldberg, Andrea (USAFLS) <Andrea.Goldbarg@usdoj.gov>
Sent: Tuesday, December 17, 2024 10:04 AM
To: Emmanuel Perez <Perez@lawperez.com>; Hector Flores <hectorflores@barzeeflores.com>
Cc: Castro, Monica (USAFLS) 1 <Monica.Castro@usdoj.gov>; Russo, Frank (NSD) <Frank.Russo2@usdoj.gov>; Briggs, Andrew (NSD) <Andrew.Briggs2@usdoj.gov>
Subject: Missing Documents

Counsel – we are in communication with BOP counsel to find your client's paperwork (per your motion DE 943).

In an effort to locate the documents, they have asked the following questions. Can you please provide us with answers? Thank you.

1. Did the R&D (Receiving & Discharge) officers take his client's legal papers and keep them? (Were the officers male/female black/white?)
- 2) Did he get to SHU with all the legal papers?
- 3) Or did the SHU officer(s) take his legal papers when he was admitted into SHU? (Was the officer male/female black/white?)
- 4) Does he remember what statements the officer(s) purportedly made regarding his documents?
- 5) Does he remember any of the officers' names?

ANDREA GOLDBARG | Assistant U.S. Attorney
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